

United States Senate

WASHINGTON, DC 20510

December 21, 2017

The Honorable Wilbur L. Ross, Jr.
Secretary
U.S. Department of Commerce
1401 Constitution Ave., NW
Washington, DC 20230

Dear Secretary Ross,

The Census Bureau has been without a permanent Director since former Director John Thompson resigned on June 30, 2017, and has been without a permanent Deputy Director since former Deputy Director Nancy Potok resigned in January 2017. This is a critical time for the 2020 Census. The Government Accountability Office (GAO) has placed the upcoming decennial census on its High-Risk List because it faces myriad challenges, including massive delays in implementing a complex information-technology infrastructure and historic lows in public trust in government.¹ In order to address these issues and ensure an accurate count, the Census Bureau requires qualified and non-partisan leadership.

We write to express concerns about media reports stating the Administration plans to appoint Thomas Brunell, Ph.D., to be Deputy Director of the Bureau.² It was also reported that Dr. Brunell was previously considered for Census Director, a position requiring Senate confirmation, but was ultimately not selected for unknown reasons.³

The Deputy Director position is a critical, non-partisan role that is primarily focused on Census Bureau operations. Over the past four decades, the Deputy Director position has traditionally been filled by an individual with a background in statistics, economics, or a related field through a competitive-hiring process. For example, the previous Deputy Director is a well-respected statistician, who came to the Census Bureau with significant experience managing large, complex projects and organizations.⁴

Dr. Brunell has neither the managerial experience nor the non-partisan reputation to fill this position. The decennial census is the nation's largest, most complex peacetime activity. Furthermore, the American Community Survey – the ongoing part of the census – surveys 3.5 million addresses annually and produces data that guide trillions of dollars in public resource

¹ Government Accountability Office, *High-Risk Series: Progress on Many High-Risk Areas, While Substantial Efforts Needed on Others*, GAO.gov (Feb. 2017), <http://www.gao.gov/assets/690/682765.pdf>

² Danny Vinik and Andrew Restuccia, *Leading Trump Census pick causes alarm: The 2020 count might be put in the hands of an inexperienced professor who wrote that 'Competitive Elections are Bad for America.'*, Politico (Nov. 21, 2017), <https://www.politico.com/story/2017/11/21/trump-census-pick-causes-alarm-252571>

³ Ibid.

⁴ U.S. Census Bureau, *Nancy Potok Bio*, (Jan. 17, 2017), <https://www.census.gov/newsroom/bios/nancy-potok.html>

allocations and private sector investments. Dr. Brunell is a political science professor who has never managed a large organization before, with a partisan, political work-history that includes serving as a Republican witness in a number of redistricting and Voting Rights Act cases.⁵ Dr. Brunell offered a report in support of a state law that would have significantly curtailed early voting in Ohio, disproportionately affecting African-American voters.⁶ He is also the author of “Redistricting and Representation: Why Competitive Elections are Bad for America.” In his book, Dr. Brunell argues that less-competitive congressional districts, an electoral model that results in gerrymandering and increased political polarization, is the most desirable outcome from a redistricting process.

The appointment of Dr. Brunell would be a significant departure from past practices and would further undermine the Census Bureau’s efforts to increase public trust in the Census. It would also raise questions about the Administration’s intent to comply with the constitutionally mandated requirement to complete an accurate count of the U.S. population.

You testified before the Senate Homeland Security and Governmental Affairs Committee (HSGAC) that it was your mission to ensure a “full, fair and accurate count” for the 2020 Census.⁷ We urge you to work with the White House to quickly install leadership that can overcome serious management challenges as well as earn the confidence and trust of the American people. Furthermore, we ask that you respond to the questions below by January 5, 2018, and before any appointment is made to the position of Deputy Director:

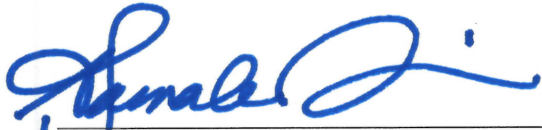
1. What plans, if any, does the Department of Commerce have to fill the vacant Census Bureau Director and Deputy Director positions? Please provide a timeframe for when these prospective appointments will be made.
2. Was Dr. Brunell considered for the position of Census Bureau Director and, if so, why was he not nominated?
3. Is Dr. Brunell being considered for the role of Deputy Director? If so, please provide the following:
 - a. The hiring authority under which Dr. Brunell would be appointed.
 - b. When this appointment is expected to be made.
 - c. A description of the role and responsibilities for this appointment, including any personnel who are direct reports under this position.
4. What is the current leadership structure within the Census Bureau? Please provide areas of responsibility and reporting structure for senior leaders of the Census Bureau.

⁵ Brunell, Thomas L. Thomas L. Brunell C.V., MortizLaw.OSU.edu (July 23, 2014). Retrieved December 14, 2017 from <http://www.utdallas.edu/~tbrunell/papers/vita.pdf>

⁶ Brunell, Thomas L. Declaration of Thomas Brunell, Ph.D., Retrieved December 14, 2017 from <http://moritzlaw.osu.edu/electionlaw/litigation/documents/Ohio427.pdf>.

⁷ Senate Homeland Security and Governmental Affairs Commission (2017, October 31), *Senate Homeland Security and Governmental Affairs Holds Hearing on Census Cost Overruns and Information Security*. Retrieved November 21, 2017 from <http://www.cq.com/doc/congressionaltranscripts-5207872?4>

Sincerely,



KAMALA D. HARRIS
United States Senator



GARY C. PETERS
United States Senator